



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : **GOGERTY, Joseph Kevin**  
SERIAL NO : 09/761,167  
FILED : January 12, 2001  
TITLE : HYBRID MAIZE PLANT AND SEED 35Y54

Grp./A.U. : 1638  
Examiner : **FOX, David T.**  
Conf. No. : 4720  
Docket No. : P04813US0 PHI 1315

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**PRELIMINARY AMENDMENT**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the communication from the Examiner dated April 30, 2003, a Final Rejection, it is respectfully requested that the following Preliminary Amendment and Request for Continued Examination (RCE) be entered and made of record. It is believed that the following amendments and remarks place the application in the form for allowance, or at least, place the claims in a better form for Appeal. No new matter is presented, as such the Amendment is proper under 35 C.F.R. § 1.116. Applicant respectfully requests reconsideration.

**Introductory Comments**

Claims 1-8, 20, 33-54 are pending in the present application.

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**CERTIFICATE OF MAILING BY EXPRESS MAIL**

I hereby certify that this document and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, prior to 5:00 p.m. on the 30th day of July, 2003.

*Betty J. Albritton*  
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